

25-26 and 28-30 under 35 U.S.C. §103(a) as being unpatentable over Palm. Reconsideration of the rejections is respectfully requested.

Independent Claim 7 defines a reciprocating saw comprising a housing including a first grip surface for an operator's first hand and a second grip surface for an operator's second hand, a motor supported by the housing, a spindle movably supported by the housing, the spindle having an end adapted to support a saw blade, a drive mechanism connected between the motor and the spindle to reciprocally drive the spindle relative to the housing upon operation of the motor, a shoe for engaging a surface of a workpiece, a shoe support member supporting the shoe, the shoe support member being movably supported by the housing, a locking assembly operable to lock the shoe support member in a position relative to the housing, and a lever for operating the locking assembly between a locked condition, in which the shoe support member is locked in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. The lever is supported on the first grip surface such that, during operation of the saw, the operator's first hand engages the first grip surface and the lever and thereby maintains the lever in a locked position corresponding to the locked condition of the locking assembly. The locking assembly includes a locking member engageable with the shoe support member. The lever is operable to move the locking member between a locked position, in which the locking member engages the shoe support member to lock the shoe support member in a position relative to the housing, and an unlocked position, in which the shoe support member is moveable relative to the housing. The locking member has a first end and a second end, and the lever engages the first end and the second end of the locking member.

Palm discloses a reciprocating saw including a gear case 22 supporting a reciprocating spindle 26. The gear case 22 is provided with a hole 28, which receives a post 30 of a shoe 32. The rear portion of the post 30 includes grooves 36, 38, 40 separated by lands 42, 44 which lie in a plane which is below the plane of the flat 46 provided on a pin 48. The pin 48 is rotatably mounted in the gear case 22 transverse the axis of the post 30 so that, when the pin 48 is rotated to position the flat 46 parallel to the lands 42, 44, the post 30 can be moved freely in the hole 28 to adjust the position of the shoe 32 relative the saw blade. To rotate the pin 48, the user actuates the lever 52 mounted on the outer end of the pin 48. When the shoe 32 is in the desired position, the pin 48 is rotated to move the round portion 50 of the pin into registry with one of the grooves 36, 38, 40 in the post 30 to lock the post 30 and shoe 32.

Palm does not teach or suggest a reciprocating saw comprising, among other things, a locking member including a first end and a second end, and a lever engaging the first end and

the second end of the locking member. Rather, in Palm, the lever 52 engages only the outer end 54 of the pin 48. As shown in Fig. 4 of Palm, the lever 52 does not engage the opposite end of the pin 48.

For these and other reasons, Palm does not teach or suggest the subject matter defined by independent Claim 7. Accordingly, independent Claim 7 is allowable. Dependent Claims 2-3, 5-6 and 8-9 depend from Claim 7 and are allowable for the same and other reasons. In addition, the additional subject matter defined by the dependent claims, such as, for example, dependent Claims 8-9, provides separate bases for allowance.

Dependent Claim 8 specifies that the lever includes a first lever member formed of a moldable material and a second lever member formed of a metallic material, the second lever member being molded with the first lever member, the second lever member defining a recess, one of the first end and the second end of the locking member engaging the recess. In Palm, there is no teaching or suggestion that the lever 52 includes a moldable first lever member and a metallic second lever member. For these and other reasons, Palm does not teach or suggest the additional subject matter defined by dependent Claim 8.

Dependent Claim 9 specifies that the second lever member defines a first recess and a second recess, the first end and the second end of the locking member respectively engaging the first recess and the second recess. In Palm, the lever 52 includes a single opening, and the pin 48 extends through the one opening in the lever 52. For these and other reasons, Palm does not teach or suggest the additional subject matter defined by dependent Claim 9.

Independent Claim 10 defines a reciprocating saw comprising a housing including a first grip surface for an operator's first hand and a second grip surface for an operator's second hand, a motor supported by the housing, a spindle movably supported by the housing, the spindle having an end adapted to support a saw blade, a drive mechanism connected between the motor and the spindle to reciprocally drive the spindle relative to the housing upon operation of the motor, a shoe for engaging a surface of a workpiece, a shoe support member supporting the shoe, the shoe support member being movably supported by the housing, a locking assembly operable to lock the shoe support member in a position relative to the housing, a lever for operating the locking assembly between a locked condition, in which the shoe support member is locked in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. The lever is supported on the first grip surface such that, during operation of said saw, the operator's first hand engages the first grip surface and the lever and thereby maintains the lever in a locked position corresponding to the locked condition of the locking assembly. The

reciprocating saw is defined as further comprising a retainer member supported by the housing and defining a channel, the shoe support member being movable in the channel.

Palm does not teach or suggest a reciprocating saw comprising, among other things, a retainer member supported by the housing and defining a channel, the shoe support member being movable in the channel. Rather, Palm discloses that the gear case 22 is provided with a hole 28 which receives the post 30 of the shoe 32. Palm does not teach or suggest any structure corresponding to a retainer member supported by the housing.

For these and other reasons, Palm does not teach or suggest the subject matter defined by independent Claim 10. Accordingly, independent Claim 10 is allowable. Dependent Claims 11-14 depend from Claim 10 and are allowable for the same and other reasons. In addition, the additional subject matter defined by the dependent claims, such as, for example, dependent Claims 13-14 provides additional bases for allowance.

Dependent Claim 13 specifies that the housing defines a slot, the retainer member being supported in the slot. Palm does not teach or suggest any structure corresponding to a retainer member or a slot in which such a retainer member is supported. Rather, Palm discloses that the gear case 22 is provided with a hole 28 which receives the post 30 of the shoe 32. For these and other reasons, Palm does not teach or suggest the additional subject matter defined by dependent Claim 13.

Dependent Claim 14 specifies that the locking assembly includes a locking member engageable with the shoe support member to lock the shoe support member in a position relative to the housing, the locking member including a first end and a second end, and that the retainer member defines a first opening and a second opening respectively receiving the first end and the second end of the locking member. Palm does not teach or suggest any structure corresponding to a retainer member or such a retainer member receiving the first end and the second end of the locking member. Rather, in Palm, the pin 48 extends through a hole in the gear case 22, and the ends of the pin 48 are not received in a retainer member. For these and other reasons, Palm does not teach or suggest the additional subject matter defined by dependent Claim 14.

Independent Claim 23 defines a reciprocating saw comprising a housing, a motor supported by the housing, a spindle movably supported by the housing, the spindle having an end adapted to support a saw blade, a drive mechanism connected between the motor and the spindle to reciprocally drive the spindle relative to the housing upon operation of the motor, a shoe for engaging a surface of a workpiece, a shoe support member supporting the shoe, the shoe support member being movably supported by the housing, a locking assembly operable

to lock the shoe support member in a position relative to the housing, the locking assembly including a locking member engageable with the shoe support member, the locking member having a first end and a second end, and a lever operable to move the locking member between a locked position, in which the locking member engages the shoe support member to lock the shoe support member in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. The lever engages the first end and the second end of the locking member.

Palm does not teach or suggest a reciprocating saw comprising, among other things, a locking member including a first end and a second end, and a lever engaging the first end and the second end of the locking member. Rather, in Palm, the lever 52 engages only the outer end 54 of the pin 48. As shown in Fig. 4 of Palm, the lever 52 does not engage the opposite end of the pin 48.

For these and other reasons, Palm does not teach or suggest the subject matter defined by independent Claim 23. Accordingly, independent Claim 23 is allowable. Dependent Claims 24-27 depend from Claim 23 and are allowable for the same and other reasons. In addition, the additional subject matter defined by the dependent claims, such as, for example, dependent Claims 25-27, provides separate bases for allowance.

Dependent Claim 25 specifies that the lever includes a first lever member formed of a moldable material and a second lever member formed of a metallic material, the second lever member being molded with the first lever member, the second lever member defining a recess, one of the first end and the second end of the locking member engaging the recess. In Palm, there is no teaching or suggestion that the lever 52 includes a moldable first lever member and a metallic second lever member. For these and other reasons, Palm does not teach or suggest the additional subject matter defined by dependent Claim 25.

Dependent Claim 26 specifies that the second lever member defines a first recess and a second recess, the first end and the second end of the locking member respectively engaging the first recess and the second recess. In Palm, the lever 52 includes a single opening, and the pin 48 extends through the one opening in the lever 52. For these and other reasons, Palm does not teach or suggest the additional subject matter defined by dependent Claim 26.

Dependent Claim 27 specifies that the reciprocating saw further comprises a retainer member supported by the housing and defining a channel, the shoe support member being movable in the channel and that the retainer member defines a first opening and a second opening respectively receiving the first end and the second end of the locking member. Palm

does not teach or suggest any structure corresponding to a retainer member. Rather, Palm discloses that the gear case 22 is provided with a hole 28 which receives the post 30 of the shoe 32. Also, in Palm, the pin 48 extends through a hole in the gear case 22, and the ends of the pin 48 are not received in a retainer member. For these and other reasons, Palm does not teach or suggest the additional subject matter defined by dependent Claim 27.

Independent Claim 28 defines a reciprocating saw comprising a housing, a motor supported by the housing, a spindle movably supported by the housing, the spindle having an end adapted to support a saw blade, a drive mechanism connected between the motor and the spindle to reciprocally drive the spindle relative to the housing upon operation of the motor, a shoe for engaging a surface of a workpiece, a shoe support member supporting the shoe, the shoe support member being movably supported by the housing, a locking assembly operable to lock the shoe support member in a position relative to the housing, the locking assembly including a locking member engageable with the shoe support member, the locking member having a first end and a second end, and a lever operable to move the locking member between a locked position, in which the locking member engages the shoe support member to lock the shoe support member in a position relative to the housing, and an unlocked condition, in which the shoe support member is movable relative to the housing. The lever includes a first lever member formed of a moldable material and a second lever member formed of a metallic material. The second lever member is molded with the first lever member. The second lever member defines a recess. One of the first end and the second end of the locking member engages the recess.

Palm does not teach or suggest a reciprocating saw comprising, among other things, a lever including a first lever member formed of a moldable material and a second lever member formed of a metallic material. In Palm, there is no teaching or suggestion that the lever 52 may include a moldable first lever member and a metallic second lever member.

For these and other reasons, Palm does not teach or suggest the subject matter defined by independent Claim 28. Accordingly, independent Claim 28 is allowable. Dependent Claims 29-30 depend from Claim 28 and are allowable for the same and other reasons. In addition, the additional subject matter defined by the dependent claims, such as, for example, dependent Claims 29-30, provides separate bases for allowance.

Dependent Claim 29 specifies that the second lever member defines a first recess and a second recess, the first end and the second end of the locking member respectively engaging the first recess and the second recess. In Palm, the lever 52 includes a single opening, and the pin 48 extends through the one opening in the lever 52. For these and other

reasons, Palm does not teach or suggest the additional subject matter defined by dependent Claim 29.

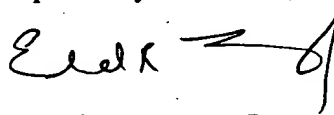
Dependent Claim 30 specifies that the reciprocating saw further comprises a retainer member supported by the housing and defining a channel, the shoe support member being movable in the channel and that the retainer member defines a first opening and a second opening respectively receiving the first end and the second end of the locking member. Palm does not teach or suggest any structure corresponding to a retainer member. Rather, Palm discloses that the gear case 22 is provided with a hole 28 which receives the post 30 of the shoe 32. Also, in Palm, the pin 48 extends through a hole in the gear case 22, and the ends of the pin 48 are not received in a retainer member. For these and other reasons, Palm does not teach or suggest the additional subject matter defined by dependent Claim 30.

### **CONCLUSION**

In view of the foregoing, entry of the present Amendment and allowance of Claims 2-3, 5-14 and 23-30 are respectfully requested.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,



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**APPENDIX**

**Marked-Up Amended Claims**

2. (Amended) The reciprocating saw as set forth in Claim [1] 7 wherein the housing has an upper portion, a lower portion, and opposed side portions, and wherein the lever is operable from the lower portion of the housing.

3. (Amended) The reciprocating saw as set forth in Claim [1] 7 wherein the first grip surface is selectively engageable by one of the operator's first hand and the operator's second hand, and wherein the lever is operable by the one of the operator's first hand and the operator's second hand engaging the first grip surface.

5. (Amended) The reciprocating saw as set forth in Claim [4] 7 wherein the shoe support member defines therealong a plurality of teeth, wherein, in the locked position, the locking member engages the teeth so that the shoe support member is locked in a position relative to the housing, and wherein, in the unlocked position, the locking member does not engage the teeth and the shoe support member is movable relative to the housing.

6. (Amended) The reciprocating saw as set forth in Claim [4] 7 wherein the locking member is pivotable between the locked position and the unlocked position.

7. (Amended) A reciprocating saw comprising:  
a housing including a first grip surface for an operator's first hand and a  
second grip surface for an operator's second hand;  
a motor supported by the housing;  
a spindle movably supported by the housing, the spindle having an end  
adapted to support a saw blade;  
a drive mechanism connected between the motor and the spindle to  
reciprocally drive the spindle relative to the housing upon operation of the motor;  
a shoe for engaging a surface of a workpiece;  
a shoe support member supporting the shoe, the shoe support member being  
movably supported by the housing;  
a locking assembly operable to lock the shoe support member in a position  
relative to the housing; and  
a lever for operating the locking assembly between a locked condition, in  
which the shoe support member is locked in a position relative to the housing, and an  
unlocked condition, in which the shoe support member is movable relative to the housing, the  
lever being supported on the first grip surface such that, during operation of said saw, the  
operator's first hand engages the first grip surface and the lever and thereby maintains the  
lever in a locked position corresponding to the locked condition of the locking assembly;  
wherein the locking assembly includes a locking member engageable with the  
shoe support member, and wherein the lever is operable to move the locking member  
between a locked position, in which the locking member engages the shoe support member to  
lock the shoe support member in a position relative to the housing, and an unlocked position,  
in which the shoe support member is moveable relative to the housing;

[The reciprocating saw as set forth in Claim 4] wherein the locking member has a first end and a second end, and wherein the lever engages the first end and the second end of the locking member.



10. (Amended) A reciprocating saw comprising:  
a housing including a first grip surface for an operator's first hand and a  
second grip surface for an operator's second hand;  
a motor supported by the housing;  
a spindle movably supported by the housing, the spindle having an end  
adapted to support a saw blade;  
a drive mechanism connected between the motor and the spindle to  
reciprocally drive the spindle relative to the housing upon operation of the motor;  
a shoe for engaging a surface of a workpiece;  
a shoe support member supporting the shoe, the shoe support member being  
movably supported by the housing;  
a locking assembly operable to lock the shoe support member in a position  
relative to the housing;  
a lever for operating the locking assembly between a locked condition, in  
which the shoe support member is locked in a position relative to the housing, and an  
unlocked condition, in which the shoe support member is movable relative to the housing, the  
lever being supported on the first grip surface such that, during operation of said saw, the  
operator's first hand engages the first grip surface and the lever and thereby maintains the  
lever in a locked position corresponding to the locked condition of the locking assembly; and

[The reciprocating saw as set forth in Claim 1 and further comprising] a  
retainer member supported by the housing and defining a channel, and wherein the shoe  
support member is movable in the channel.